

**THE BOROUGH COUNCIL OF SANDWELL**  
**(Londonderry Lane, Aquatics Centre)**  
**(Experimental Traffic Regulation Order) 2019.**

2019/05

The Borough Council of Sandwell ("the Council") in exercise of its powers under Sections 1, 2, 45 and 46 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and under the Road Traffic Act 1991 as amended (whether generally or in relation to the area of the Council) ("the 1991 Act") and of all other enabling powers, and after consulting with the Chief Officer of Police in accordance with paragraph 20 of Schedule 9 to the 1984 Act, hereby makes the following Order:-

- 1 This Order may be cited as The Borough Council of Sandwell (Londonderry Lane, Aquatics Centre) (Experimental Traffic Regulation Order) 2019 and shall come into operation on 20th June 2019 and will remain in force for a maximum period of 18 months
- 2 The restrictions imposed by this order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under any other enactment.
- 3 In this Order -
  - a) "Authorised person" means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order.
  - b) "bus" has the same meaning as in regulation 22 of the Traffic Signs Regulations and General Directions 2016
  - c) "Business" means one which is registered for Business Rates.
  - d) "*Civil Enforcement Officer*" means an Authorised person by or on behalf of the council to enforce the restrictions in this Order and issue Penalty Contravention Notices,
  - e) "Council" means Sandwell Metropolitan Borough Council;
  - f) "*disabled person's badge*" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000.
  - g) "*dispensation certificate*" means a certificate issued by or on behalf of the Council for the purposes of this Order permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted or prohibited;
  - h) "*driver*" in relation to a motor vehicle waiting in a parking area, means the person driving the motor vehicle at the time it was left in the parking place.
  - i) "*electronic communications network*" has the same meaning as in the Communications Act 2003.
  - j) "*goods vehicle*" means a motor vehicle not exceeding 2.3m in height or 5.25m in length, which is constructed or adapted for use for the carriage of goods or of burden of any description and is not drawing a trailer.
  - k) "*household*" means the occupants of a dwelling used or suitable for use as a separate dwelling.
  - l) "*junction*" means the intersection of the outside edge of the first highway with the outside edge of the second highway.

- m) *"Motor cycle"* has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984.
- n) *"Motor vehicle"* has the same meaning as in Section 136 of the Road Traffic Regulation Act 1984.
- o) *"Organisation"* means an organisation concerned with the care of disabled persons to which a disabled person's badge may be issued which has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) (Amendment) Regulations 2007
- p) *"Organisational Badge"* means a disabled person's badge issued to an organisation.
- q) "Owner" in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who was the Owner at any time it shall be presumed that the Owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his/her employment and which is entitled to use such vehicles as though he/she were the registered keeper. Owner shall have the meaning in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 in respect of a person who is served a penalty charge notice
- r) *"Parking disc"* means the disc issued by the Local Authority complying with the requirements of Regulation 8(5) of the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 and capable of showing the quarter hour period during which a period of waiting began.
- s) *"parking place"* means the part of a road authorised by the Order to be used for the purposes of parking a motor vehicle.
- t) *"parking ticket"* means a ticket lawfully obtained from a ticket machine provided by the Council for the issue of parking tickets appropriately dated and time stamped relating to Schedule 19B of this Order
- u) *"penalty charge" has the same meaning as in the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 or any subsequent legislation so enabling;*
- v) *"penalty charge notice" means a notice issued by a civil Enforcement Officer pursuant to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and the provisions of part 6 of the traffic Management Act 2004*
- w) *"permit"* means a permit issued under the provisions of Clause 18/08, 18/09 and 18/10 of this Order.
- x) *"permit holder"* means a person to whom a permit has been issued under the provisions of Clause 18/08, 18/09 and 18/10 of this Order.

- y) *"relevant position" in respect of: -*
- (a) *a disabled person's badge and parking disc has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000; and*
  - (b) *a permit means exhibited behind the windscreen, on the dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in conspicuous position on the vehicle so that the whole of the information on the front of the permit is clearly legible from outside the vehicle;*
  - c) *A parking disc is displayed in the "relevant position" if –*
    - *the disc is exhibited on the dashboard or fascia of the vehicle, or*
    - *where the vehicle is not fitted with a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle,**so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle.*
- z) *"taxi" has the meaning given by Schedule 1 of the Traffic Signs Regulations and General Directions 2016.*
- za) *"ticket machine" means an approved ticket issuing machine provided by the Council for the issue of parking tickets appropriately dated and time stamped.*
- zb) *"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Road Traffic Regulation Act 1984.*
- zc) *"universal service provider" has the same meaning given by Section 65(1) of the Postal Services Act 2011.*



## Section 13: Red Route No stopping at any time

### General prohibition of stopping

**1** Except as provided in **Clause 2** no person shall cause any vehicle to stop at any time in the Red Route described in **Schedule 13**.

- i) For the purposes of **1**, a further contravention shall be created if the motor vehicle remains on a length of road continuing the contravention, it will be considered a new contravention from midnight on a rolling/daily basis.

### Miscellaneous exemptions for parking

**2** **(1)** The controls specified in **Clause 1** do not apply in respect of a person causing a vehicle to stop if that person is-

- (a) required by law to cause the vehicle to stop or not to proceed;
- (b) obliged to stop the vehicle so as to avoid an accident;
- (c) prevented from proceeding in the vehicle by circumstances beyond the person's control;
- (d) getting or giving help in consequence of an accident or an emergency, or otherwise taking action for public safety;
- (e) opening or closing a gate or other barrier at the entrance to premises to which the vehicle is being driven or from which it has emerged if it is not reasonably practicable to cause the vehicle to stop elsewhere for the purpose;
- (f) using the for police, ambulance, fire brigade, local authority, parking attendant/civil enforcement officers or water authority, sewage authority and national rivers authority purposes, when used in pursuance of their statutory powers or duties.
- (g) using the vehicle in connection with the removal of any obstruction to traffic;
- (h) using the vehicle in connection with the maintenance, improvement or reconstruction of any length of road specified in **Schedule 13**;
- (i) using the vehicle under a licence under section 37 of the Town Police Clauses Act 1847 to stop for so long only as may be required to enable a passenger to board or alight from the vehicle;
- (j) using a vehicle displaying a disabled person's badge in the relevant position to stop for so long only as may be required to enable a disabled person to board or alight from the vehicle;
- (k) using the vehicle for the purpose of collecting refuse by or on behalf of a local authority;
- (l) using a vehicle which bears the livery of a universal service provider which is waiting at the edge of a carriageway for so long as may be necessary for the purposes of the provision of a universal postal service (as defined by Section 4 of the Postal Services Act 2000).

- (2) The controls specified in **Clause 1** of this Order do not apply to anything done with the permission of an authorised person or with the permission or at the direction of a police officer in uniform or of a Civil Enforcement Officer.
- (3) The controls specified in **Clause 1** of this Order do not apply in respect of a person causing a pedal cycle to be parked at a facility specifically provided for the purpose of pedal cycle parking by, or with the consent of the highway authority.

### **Exceptions at bus stops and stands**

- 3. (1) The controls specified in clause 1 do not apply in respect of a person causing:
  - (a) a bus to stop within a red route bus stop clearway for as long as may be required to enable passengers to board or alight; or
  - (b) a bus in the provision of a local service to stop within a red route bus stop or bus stand clearway if being used for operational reasons or training drivers to allow such a service to be provided.
- (2) In this article "operational reasons" means:
  - (i) to enable passengers to board or alight;
  - (ii) to enable crew changes to take place;
  - (iii) to maintain the scheduled timetable subject, in the case of a red route bus stop clearway, to a maximum wait of two minutes.

### Schedule 13: Red Route - No Stopping At Any Time

Col 1	Col 2	Col 3	Col 4
Ref No	Street Name	Side of St	Location
13/01	LONDONDERRY LANE SMETHWICK	north	from a point 1 metre west of its intersection with the extended western building line of Park Mews Londonderry Lane to a point 28 metres east of its intersection with the extended eastern building line of number 167 Londonderry Lane.

## Section 14: Red Route No stopping during prescribed hours

### General prohibition of stopping

- 1** Subject to the provisions of this section no person shall, except upon the direction of a Police Officer in uniform or of a Civil Enforcement Officer, cause or permit any motor vehicle to stop at any time in the sides and lengths of roads referred to in Schedule 14 to this order, during the hours prescribed in Column 5 of the said schedule.
- i)** "For the purposes of **1**, a further contravention shall be created if the motor vehicle remains on a length of road continuing the contravention, it will be considered a new contravention from midnight on a rolling/daily basis.

### Miscellaneous exemptions for parking

- 2** **(1)** The controls specified in clause 1 do not apply in respect of a person causing a vehicle to stop if that person is-
- (a) required by law to cause the vehicle to stop or not to proceed;
  - (b) obliged to stop the vehicle so as to avoid an accident;
  - (c) prevented from proceeding in the vehicle by circumstances beyond the person's control;
  - (d) getting or giving help in consequence of an accident or an emergency, or otherwise taking action for public safety;
  - (e) opening or closing a gate or other barrier at the entrance to premises to which the vehicle is being driven or from which it has emerged if it is not reasonably practicable to cause the vehicle to stop elsewhere for the purpose;
  - (f) using the for police, ambulance, fire brigade, local authority, parking attendant/civil enforcement officers or water authority, sewage authority and national rivers authority purposes, when used in pursuance of their statutory powers or duties.
  - (g) using the vehicle in connection with the removal of any obstruction to traffic;
  - (h) using the vehicle in connection with the maintenance, improvement or reconstruction of any length of road specified in schedule 13;
  - (i) using the vehicle under a licence under section 37 of the Town Police Clauses Act 1847 to stop for so long only as may be required to enable a passenger to board or alight from the vehicle;
  - (j) using a vehicle displaying a disabled person's badge in the relevant position to stop for so long only as may be required to enable a disabled person to board or alight from the vehicle;
  - (k) using the vehicle for the purpose of collecting refuse by or on behalf of a local authority;
  - (l) using a vehicle which bears the livery of a universal service provider which is waiting at the edge of a carriageway for so long as may be necessary for the purposes of the provision of a universal postal service (as defined by Section 4 of the Postal Services Act 2000).



- (2) The controls specified in clause 1 of this Order do not apply to anything done with the permission of an authorised person or with the permission or at the direction of a police officer in uniform or of a Civil Enforcement Officer.
- (3) The controls specified in clause 1 of this Order do not apply in respect of a person causing a pedal cycle to be parked at a facility specifically provided for the purpose of pedal cycle parking by, or with the consent of the highway authority.

### **Exceptions at bus stops and stands**

- 3. (1) The controls specified in clause 1 do not apply in respect of a person causing:
  - (a) a bus to stop within a red route bus stop clearway for as long as may be required to enable passengers to board or alight; or
  - (b) a bus in the provision of a local service to stop within a red route bus stop or bus stand clearway if being used for operational reasons or training drivers to allow such a service to be provided.
- (2) In this article "operational reasons" means:
  - (i) to enable passengers to board or alight;
  - (ii) to enable crew changes to take place;
  - (iii) to maintain the scheduled timetable subject, in the case of a red route bus stop clearway, to a maximum wait of two minutes.

**Schedule 14: No stopping during prescribed hours.**

Col 1	Col 2	Col 3	Col 4	Col 5
Ref No	Street Name	Side of St	Location	Prescribed hours
14/01	LONDONDERRY LANE SMETHWICK	south	from its junction with Londonderry Lane (cul de sac) to a point 120 metres west of that junction.	Mon-Fri 7am-7pm

**Section 20: Order(s) Suspended**

**20/01.** The following order(s) are hereby suspended.

The Borough Council of Sandwell (Sandwell Borough, Consolidation of Waiting and Loading Restrictions) (Traffic Regulation Order No.14) 2019

Any part of the above order that falls beneath the experimental order for so long as it remains in operation.

THE COMMON SEAL )  
of THE BOROUGH COUNCIL )  
OF SANDWELL )  
was hereunto affixed this )  
13th day of June 2019 )  
in the presence of:- )



57909

LEGAL MANAGER  
 Authorised Signatory